

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

EDWARD TOBIN,  
Plaintiff,

v.

SAMSUNG ELECTRONICS  
AMERICA, INC.  
Defendant.

Civil Action No.

2:18-cv-12473 KM-SCM

**SUPPLEMENTAL  
SCHEDULING ORDER**

**THIS MATTER** having come before the Court on a status conference, the parties' joint application to extend the discovery schedule because they agreed to "put discovery on hold" while discussing settlement. (D.E. 45, Joint Letter). District courts have broad authority to control and manage their dockets.<sup>1</sup> Though the parties may stipulate to extend the time for discovery, such a stipulation "must have court approval if it would interfere with the time set fort completing discovery...."<sup>2</sup> That is because a scheduling order "controls the course of the action unless the court modifies it."<sup>3</sup> This empowers a court to expedite disposition of the action and to discourage wasteful pretrial activities.<sup>4</sup> For good cause shown, the Court will **GRANT** in part the relief requested so that the parties may focus discovery on Mr. Tobin's television as discussed today.

**IT IS** on this Monday, July 08, 2019 ordered that the Scheduling Order is hereby supplemented as follows:

1. A telephone conference is scheduled with Judge Mannion on 9/23/2019 at 11:30 AM. Plaintiff(s)' counsel is to initiate the call. Eight days before that date, counsel shall file a joint agenda letter (up to 3 pages) itemizing the issues, if any, to be discussed at the upcoming conference.

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<sup>1</sup> See generally, Fed.R.Civ. P. 16(b)(3)(A).

<sup>2</sup> Fed.R.Civ.P. 29(b).

<sup>3</sup> Fed.R.Civ. P. 16(d).

<sup>4</sup> Fed.R.Civ. P. 16(a).

2. Fact discovery is to remain open through 11/29/2019. Discovery should be produced on a rolling basis. All fact witness depositions must be completed by the close of fact discovery. No fact discovery is to be issued or engaged in beyond that date, except upon application to the Court and for good cause shown.
3. Counsel shall confer to complete paper discovery and move the case along.
4. The parties have a continuing obligation to supplement and amend their initial disclosures. The names and subject of expected testimony of all affirmative expert witnesses shall be delivered no later than 30 days before the end of fact discovery. The names and subject of expected testimony of all responding expert witnesses shall be delivered no later than 10 days after the date due for the affirmative expert report(s), provided such report(s) have been served.
  - a. All affirmative expert reports shall be delivered by 1/10/2020.
  - b. All responding expert reports shall be delivered by 2/28/2020.
  - c. Deposition of expert(s) to be completed within 30 days of receiving their respective reports.
5. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER OR ANY SUBSEQUENT SCHEDULING ORDERS ENTERED BY THIS COURT MAY RESULT IN SANCTIONS. See Fed.R.Civ.P. 16(f) and 37.**



*Steven C. Mannion*

Honorable Steve Mannion, U.S.M.J.  
United States District Court,  
for the District of New Jersey  
phone: 973-645-3827

7/8/2019 3:30:05 PM

Original: Clerk of the Court  
Hon. Kevin McNulty, U.S.D.J.  
cc: All parties  
File